

110TH CONGRESS
2D SESSION

H. R. 5997

To amend title 49, United States Code, to require a motor carrier, broker, or freight forwarder that collects a fuel surcharge to pay an amount equal to the surcharge to the person that bears the cost of the fuel, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2008

Mr. BARROW introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to require a motor carrier, broker, or freight forwarder that collects a fuel surcharge to pay an amount equal to the surcharge to the person that bears the cost of the fuel, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fairness in Trucking
5 Transactions Act”.

1 **SEC. 2. PASS THROUGH OF MOTOR CARRIER FUEL COSTS.**

2 (a) IN GENERAL.—Section 14102 of title 49, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 “(c) PASS THROUGH TO COST BEARER.—A motor
6 carrier, broker, or freight forwarder providing or arrang-
7 ing truckload transportation or service using fuel for
8 which it does not bear the cost shall provide to the person
9 that bears the cost of such fuel a payment in an amount
10 equal to the sums it collects which relate to the cost of
11 the fuel.”.

12 (b) BILLING AND COLLECTION PRACTICES.—Section
13 13708(b) of title 49, United States Code, is amended to
14 read as follows:

15 “(b) FALSE OR MISLEADING INFORMATION.—No
16 person may cause a motor carrier, broker, or freight for-
17 warder to present false or misleading information on a
18 document or in an oral representation about the actual
19 rate, charge, or allowance to any party to the transaction
20 or transportation.”.

21 (c) ENFORCEMENT.—

22 (1) IN GENERAL.—Chapter 147 of title 49,
23 United States Code, is amended by adding at the
24 end the following:

1 **“§ 14712. Enforcement of requirements relating to**
2 **pass through of motor carrier fuel costs**

3 “(a) ADDITIONAL CIVIL PENALTY.—In addition to
4 other civil penalties specified in this chapter, a motor car-
5 rier, broker, or freight forwarder violating section
6 14102(c) by failing to make a payment in the amount
7 specified in section 14102(c) is liable to the United States
8 for a civil penalty in an amount equal to 3 times the
9 amount so specified.

10 “(b) DAMAGES AWARDED IN CIVIL ACTIONS
11 BROUGHT BY INJURED PERSONS.—In a civil action
12 brought under section 14704 for damages sustained by a
13 person as a result of a violation of section 14102(c), a
14 court may award damages in an amount equal to 3 times
15 the amount of the damages and attorney’s fees in accord-
16 ance with section 14704(e).

17 “(c) CONFIDENTIALITY OF INFORMATION.—Informa-
18 tion that is obtained by the Secretary or the Board in con-
19 nection with an investigation of an alleged violation of sec-
20 tion 14102(c) and that relates to a confidential matter re-
21 ferred to in section 1905 of title 18 may be disclosed only
22 to another officer or employee of the United States Gov-
23 ernment for use in carrying out chapter 141 and this
24 chapter. This subsection does not authorize information
25 to be withheld from a committee of Congress authorized
26 to have the information.”.

1 (2) CLERICAL AMENDMENT.—The analysis for
2 such chapter is amended by adding at the end the
3 following:

“Sec. 14712. Enforcement of requirements relating to pass through of motor
 carrier fuel costs.”.

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